



**Testimony
Elizabeth Gara
Connecticut Water Works Association (CWWA)
Before the
Public Health Committee
March 17, 2014**

The Connecticut Water Works Association (CWWA), which represents municipal, regional and investor-owned water companies, thanks the Public Health Committee for raising **HB-5543 - AN ACT CONCERNING WATER QUALITY**.

CWWA supports HB-5543 which would clarify the activities that trigger a “Change in Use” permit from the state Department of Public Health (DPH) to land use activities that are substantially different from the current use of the property for water supply purposes or activities that could potentially affect the purity and adequacy of the potable water supply.

Currently, a wide range of routine activities may trigger a request for a Change of Use permit. For example, stone revetment, which is performed to protect embankments from erosion, as well as the installation of underground electrical wires to a wellfield to prevent storm damage, have been considered a change in use by the department. **In fact, the Department has frequently used the guideline of “one shovel of dirt” disturbance at a wellfield as requiring a change in use permit.** Routine maintenance and minor upgrades to facilities can and do trigger Change in Use permits that end up costing DPH staff and water companies considerable time and effort to process - with no material benefit.

However, none of these activities are a “change in use” but, rather, necessary activities to maintain or protect the system. The Change in Use Application, see attached, requires extensive information to be submitted for review, which is simply not warranted given the routine nature of many of these activities. Clarifying the scope of activities that trigger the permit requirements would free up staff to focus on core public water supply oversight tasks.

CWWA has discussed this issue with DPH, which is in general agreement that the definition needs to be tightened up. After meeting with them to discuss the proposal, we revised the language, which we have attached for the committee’s review and consideration. This language would only apply to water companies that are required to file a water supply plan (serving > 1,000 persons) and who are in compliance with Erosion and Sedimentation Control plans and other Best Management Programs on file with the department. A change in use that was a true change or had potential to affect water purity and adequacy (unlike the minor activities we referred to), would still require extensive DPH review.

CWWA also supports Section 2 of the bill which authorizes the state Department of Public Health to establish a Licensed Water Professional (LWP) program to facilitate review of basic, run of the mill submittals rather than use limited DPH staff to review. For example, a LWP could be used to certify that a pressure reducing valve pit was properly designed.



This program is modeled after the successful Licensed Environmental Professional program administered by DEEP, which has streamlined certain regulatory approval processes related to brownfields remediation, while *significantly reducing state costs* by reducing the administrative burden on DEEP staff to process such approvals.

It is worth noting that current law, Section 25-35 of the general statutes, already authorizes the department to retain consultants to perform certain types of reviews.

CWWA requests, however, that Section 2(a) be clarified to provide that a LWP may only be used upon request of the applicant, who could submit an application prepared by a LWP for approval in lieu of the traditional department review.

The Connecticut Water Works Association, Inc. (CWWA) is an association of private, municipal and regional public water supply utilities serving more than 500,000 customers, or population of about 2½ million people, located throughout Connecticut.



SUGGESTED REVISIONS – HB-5543, AN ACT CONCERNING WATER QUALITY

Section 25-32(g) of the general statutes is repealed and the following is substituted in lieu thereof:

(g) As used in this section, (1) “water supply source” includes all springs, streams, watercourses, brooks, rivers, lakes, ponds, wells or underground waters from which water is taken, and all springs, streams, watercourses, brooks, rivers, lakes, ponds, wells or aquifer protection areas, as defined in section 22a-354h, thereto and all lands drained thereby; [and] (2) “watershed land” means land from which water drains into a public drinking water supply; and (3) “change in use” means a change or alteration in a land use activity that will (i) cause or allow watershed lands to be used in a manner that is not consistent with its use for public water supply purposes and (ii) would potentially affect the purity and adequacy of the public drinking water supply. Routine maintenance, repair or replacement of public water supply system components that are performed or authorized by a water company serving 1,000 or more persons and are necessary for normal operation shall not be deemed to be a change in use, provided such company has an approved water supply plan pursuant to Section 25-32d of the general statutes and complies with applicable best management practices for stormwater management, erosion and sedimentation control, and fuel and chemical handling and storage. If the department determines that approval for a change in use is required for a project which would otherwise require department approval, then the change in use shall be included as part of the project approval.



STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH
DRINKING WATER SECTION

www.ct.gov/dph/publicdrinkingwater

WATER COMPANY LAND PERMIT APPLICATION

This application must be submitted when a water company intends to sell, lease, transfer or assign Class I or II water company land or intends to change the use of Class I or II water company land per Connecticut General Statutes (CGS) Section 25-32. The following information should be supplied by the current administrative official of the water company. Refer to the Regulations of Connecticut State Agencies (RCSA) Sec. 25-37d-1 through 9 for information on the water company land application review process. Electronic submission of applications and attachments is permissible, provided that the applications include signatures.

Section A. Public Water System and Applicant Information

PWS Name:	_____		
Project Name:	_____		
Project Address:	_____		
PWSID Number:	CT _____	PWS Type (select one):	<input type="checkbox"/> Community <input type="checkbox"/> NTNC <input type="checkbox"/> TNC
Town:	_____	DPH Project Number (if known):	_____
Print Name of PWS Administrative Official:	_____		
Title:	_____		
Address:	_____ _____ _____		
Phone Number:	_____		
Fax Number:	_____		
E-mail Address:	_____		
Name of Consultant (if applicable)	_____		
Company Name:	_____		
Address:	_____ _____ _____		
Phone Number:	_____		
E-mail Address:	_____		

**Section B. Basis for Requesting Approval or Permit (select all that apply)**

- ☐ Formal Enforcement Action (Administrative Order, Consent Order, Notice of Violation (Civil Penalty))
☐ Violation Identified in Sanitary Survey Report
☐ Project Identified in Approved Water Supply Plan
☐ Federal or State Grants or Loans ☐ DWSRF ☐ STEAP Funds ☐ STAG Funds
☐ Proactive (system improvements or enhancements)

☐ Other: _____

Section C. Type of Approval or Permit Requested (select all that apply)

- ☐ Water Company Land Sale, Lease, Transfer or Assignment (Complete Sections D, E and G)
Check one of the following: Sale ☐ Lease ☐ Transfer ☐ Assignment ☐

☐ Water Company Owned Lands Change in Use (Complete Sections D, F and G)

Section D. Project Description

Provide a general summary of the proposed project, including the total acreage of each class of water company land to be disturbed or the total acreage of each class of water company land which will be subject to the sale, lease, transfer or assignment or change in use. Refer to CGS Sec. 25-37c for land classification definitions. You may attach additional sheets, if necessary.



Section E. Supporting Information- Sale, Lease, Transfer or Assignment

Each of the following items should be labeled with the section and number (i.e. Section E – #4). If the item is not applicable, provide the number and indicate “N/A”.

1. Provide a scaled site plan that shows all water company land to be sold, leased, transferred or assigned.
2. Indicate the proposed methods of protective restrictions and enforcement the applicant or other parties will impose on the parcel to be subject to the permit. (If restrictions do not apply uniformly throughout a parcel, attach a map that shows the restrictions that apply to each portion of the parcel.)
3. Provide a draft copy of the sale, lease, transfer or assignment agreement.
4. Provide copies of the notification letter sent to the chief elected and chief executive officials of the towns in which the proposed sale, lease, transfer or assignment will occur. Submit both sides of the certified mail green return receipt or United States Postal Service delivery confirmation.
5. Provide a copy of the “Capacity Evaluation for Water Company Purchase”, completed by the entity to which the land will be sold, leased, transferred or assigned.
6. Provide copies of any deed restrictions or variances.
7. If the applicant is required to prepare a water supply plan pursuant to CGS Section 25-32d, indicate whether the proposed sale, lease, transfer or assignment is consistent with the current approved plan.
8. Provide the sale of a source notification letter required by CGS Section 25-33l and any subsequent correspondence, if applicable.
9. For the lease of Class I water company land associated with groundwater sources, provide copies of the sanitary easements indicating restrictions within the affected sanitary radius.



Section F. Supporting Information- Change in Use

Each of the following items should be labeled with the section and number (i.e. Section F – #4). If the item is not applicable, provide the number and indicate “N/A”.

1. Provide a final scaled project site plan including existing conditions, horizontal and vertical extent of site disturbance including access and permanent and temporary land disturbance. Describe the nature and necessity of the impervious materials used at the site (i.e. pavement). Include any evaluation conducted to determine the impact of the impervious area on the recharge of the water supply sources.
2. Provide copies of the notification letter sent to the chief elected and chief executive officials of the towns in which the proposed project is located. Submit both sides of the certified mail green return receipt or United States Postal Service delivery confirmation.
3. Provide a brief outline of the project (i.e. site preparation, demolition, construction, stabilization); include a spill prevention and emergency response plan or drinking water quality management plan.
4. Indicate the proposed methods of protective restrictions and enforcement that the applicant or other parties will impose on the parcel to be subject to permit, and demonstrate that such change will not have a significant adverse impact upon the present and future purity and adequacy of the public drinking water supply. (If restrictions do not apply uniformly throughout parcel, attach a map which shows the restrictions which apply to each portion of the parcel.)
5. Indicate alternatives that were considered and why this option was chosen.
6. Describe the benefit to the water system as a result of the proposed change to the water company land.
7. Provide copies of any deed restrictions, variances or permits required by other regulatory agencies.
8. Provide a copy of the Revocable License Agreement, if applicable.
9. If any part of the sanitary radius of a groundwater source wellhead is owned by another entity, provide copies of the sanitary easements, if applicable.
10. If the applicant is required to prepare a water supply plan pursuant to CGS Section 25-32d, indicate whether the proposed change in use is consistent with the most current approved plan.
11. Describe the short and long term land improvements designed to protect the water source(s), such as primary or secondary stormwater treatment, addition of native vegetative buffers or other low impact development management practices.

Section G. Certification Statement

I certify to the best of my knowledge that the information provided in this application is complete and correct. I understand that the information I provide will be used by the Department of Public Health, Drinking Water Section to determine if a Permit for the Sale, Lease, Transfer or Assignment or Change in Use of Water Company Land can be granted.

Signature of PWS Administrative Official

Date

Name of PWS Administrative Official (print or type)

Title